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OFFICE OF PETITIONS

In re Application of	:	
Scott Jester	:	
Application No. 10/658,508	:	DECISION ON PETITION
Filed: September 9, 2003	:	
Attorney Docket No. 47109.1	:	

This is a decision on the petition filed October 31, 2005, under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply to the "Notice to File Corrected Application Papers" mailed December 1, 2003, requiring replacement drawings in compliance with 37 CFR 1.84 and 1.121. This Notice set a period for reply of two (2) months from the mailing date of the Notice, with extensions of time under the provisions of 37 CFR 1.136(a) permitted. No reply having been received and no extension obtained, the above-identified application became abandoned on February 2, 2004. A courtesy Notice of Abandonment was mailed on November 4, 2004.

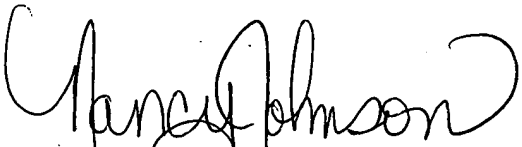
With the instant petition, petitioner paid the petition fee; filed the required reply in the form of replacement drawings; and included the required statement of unintentional delay. The statement was made by Patrick Buhl, president of the assignee company. A 3.73(b) statement and a copy of the assignment were submitted on filing of the application.

The above-identified application has been abandoned for an extended period of time. The United States Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178; 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the United States Patent and Trademark Office).

Petitioner has, thereby, met the requirements for a grantable petition under § 1.137(b).

The application file is being forwarded to the Office of Initial Patent Examination for consideration of the response to Notice to File Corrected Application Papers submitted on petition filed October 31, 2005.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", with a large, stylized initial "N" and a flourish at the end.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions